

Previous Reference. — Leg 7 M²⁶ 907-08

leg File No. 36 of 1909

(P-46)

Serial Nos. 1-5

1909-10

GENERAL AND REVENUE SECRETARIAT.

(Legislation,

Part A: Manuscript

for November 1911

Regulation to
Prevent Smoking by juveniles

Serial Nos. 1-5

AM.

Letter No. 8540/623 dated the 25th February 1910
from the Inspector General of Education in Mysore

Forwards a copy of the 12th Annual
Report on total abstinence of the Terai Government
total abstinence office with a copy of a letter from
the Inspector General of Education in Mysore
regarding for measures being adopted against the
use of intoxicants in the State or at least for
prevention of smoking among students.

2. D.O. letter No. 1486 dated the 27th October 1910 from the Secy to the Resident.

Forwards copy of the Bill with statements of objects and reasons and intimates that it is proposed to place it before the Legislative Council in due course.

3. D.O. letter No. 6913 dated the 15th November 1910 from ~~Major~~ Mr P. B. Warburton, Mr Fort Resident to the Secy.

States that the Resident sees no ~~principle~~ ^{principle} objection to the Bill being placed before the Legislative Council.

4. For order No. 1230 dated the 20th October 1911 to the Secy, Mysore.

Directs the publication of the Bill as Regulation No. XI of 1911.

5. To the Fort Resident in Mysore No. 11402¹²⁷ 7th November 1911
Forwards the usual number of copies of the Regulation.

C. 469.
12. 6. 60.

G.R.S. 11]

190 .

GENERAL AND REVENUE SECRETARIAT.

(*Legis*)

NOTES.

File No. *36*

FILE HEADING.

Regulation of ~~prohibition~~ of Smoking by juveniles Regn.

From

No.

Dated

Received

Diary No. }

Enclos.

Spare Copies

{ Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

6051

2

G.R.S. 11]

1909. 10

GENERAL AND REVENUE SECRETARIAT.

(Education)

NOTES.

Legis 36 of 1909/10

308/03

File No.

FILE HEADING.

Prayer of Mr Ramatharan R Sharma of Garhwal for devising measures against the use of intoxicants (Smoking &c) Among students.

From

The L.G. Education

No. 8320
623

Dated 25/2/10 Received 2-3-10

Diary No. 6051

Enclos.

Spare Copies.

Serial No. 1

BRIEF ABSTRACT OF LETTER.

Submits a copy of the 12th Annual report on Total Abstinence of the Terai Garhwal Total Abstinence Office and also a copy of the petition addressed to the L.G. Secy, praying for devising measures against the use of intoxicants (at least smoking) among students.

NOTES AND ORDERS.

The L.G. Secy also submits a copy of his office Cir. no: 15 of 1908 of 22.11.08 on the subject of Smoking. Subd. Mr Ramatharan R Sharma prays that measures shd be devised

Legis 36 of 1907-1905
48 File No. 308 of 1908

3

Serial
No.

against the use of intoxicants among
students. It will be seen from
the 12th Annual Report of his
"Office" that his crusade is directed
mainly against tobacco smoking
which he ~~considers~~ believes to be
at the root of most human
ills. I must think that there
is any tendency on the part of
school boys to take to intoxicants
properly so called; and Mr
Rushley's circular of 22. 11. 08
ought to be quite enough to prevent
boys students from contracting
the habit of tobacco smoking
too early. No further action
seems called for.

W. R. S. S. S.
8/3/10

See 2nd C

10/3/10

3 No further action is
needed in this branch.
I have asked Mr Hiriyanappa
to draw up a bill to deal

3077.
12 3.10.

Branch W

Legis 36 of 1909-10

Ed. File No. 308

of 190

6051

10
7

4

Serial
No.

with the prohibition of smoking
by juveniles. Please send this
file to him for reference.

A. V. Narayana Rao

13/3/10

To Asst Secretary to III

4.

12

14/3/10

Submitted for orders.

15/3/10

16/3/10

5.

I believe a law was
enacted recently in England
or America (U.S.). Please find
out by reference to the Journal
of the Society of C. L. or some other
Compendium which gives the info.

12/3

16/3/10. S. V. Narayana Rao

~~Submitted~~

The Children's Bill, 1908 became law
as the Children's Act 1908, 8, Edw. VIII C. 67
and came into force on 1/4/1909.

Part III of that Act contains provisions
imposing penalties on the sale of cigarettes
or cigarette papers to persons apparently

Serial
No.

under 16, and empowering constables and
park-keepers to seize in a cigarette &
in the possession of such young persons
found smoking in a street or public place
and to search boys for cigarettes. It also
contains provisions intended to prevent
the young from obtaining cigarettes
from automatic machines. There is no
penalty imposed on the youthful
smoker. The definition of cigarette
includes tobacco substitutes."

(Vide page 129 of Vol 14 of the Encyclopedia
of the Laws of England)

§ Again in New South Wales, ~~about~~
a bill on the subject of juvenile smoking
suppression had been before the legislature
since 1899. "In the form in which it was
introduced, it imposed a penalty on
young persons under sixteen years of age
smoking tobacco in any public place,
public conveyance & and a penalty on
any dealer supplying any person actually
or apparently under the age of sixteen years
with tobacco in any shape or form, cigars
or cigarettes, shall be liable to a fine not
exceeding £5. (Vide page 359 of the
Journal of Comparative Legislation No XIV)

Serial
No.

437 In Cape Colony an act for the
juvenile smoking suppression has been
passed. "This Act imposes penalties on
upon any one who sells cigarettes, cigars,
or tobacco to a person under the age
of fifteen and upon any one person
under that age who smokes

(Vide page 391 of the Journal of
Comparative Legislation No XIV.)

Again the Ordinance for the prevention
of smoking by juveniles came into
operation in Ceylon on the 1st inst. "In
the Ordinance persons are forbidden
to sell to a person under the age of 16
years tobacco in any form; it is also
made the duty of a Police Officer to
seize any cigars, cigarettes, tobacco, or
cigarette papers in the possession of any
person, apparently under the age of
sixteen whom he finds smoking or chewing
tobacco in any street or public place.

(Vide, The Madras Mail dated 5/4/1910 page

~~The other latest~~

Of the acts themselves referred to above
are not published found in any of the
books available in this office

8/4/10 - 8/11/10 Please obtain Copies of the

Serial
No.

above acts by ordering from some
 Law publisher. Please perhaps also Contemporary
 Law journals. Containing Comments on the
 above Acts passed. (Look up of Law magazine
 and Review and Calcutta weekly notes
 particularly)

14/3/10. Sd Hiriyannaji

Legis
11.12/10

11. The necessary books having been
 for. The Assistant Secretary notes
 as follows:

The proposed draft Bill
 closely following the
 Ceylon Ordinance.

7/5/10 Sd

Legis

Draft Bill and Statement of Objects & Reasons
 are submitted

22/5/10. They await the Hiriyannaji
 return.

Subd

25/5

Please type the draft

25/5/10. Sd

Draft typed 25/5/10

Serial
No.

The draft put up is based
entirely on the Ceylon Ordinance
in the English Children's Protection
Act of 1908. Some provisions against
juvenile smoking have been
put in but I was not able to get
a copy of that act from any publisher
in India.

The scope of the draft is very
limited viz. it penalises the sale
of tobacco to juveniles & does nothing
more. The ^{buyers} ~~parents~~ as well as their
parents are not affected. It is perhaps
difficult to contrive methods for
bringing them also to justice.

28/5/10. S. V. Srinivasan

2nd/6/10

3929

I have drafted a few ad-
ditional sections - more as a
basis for discussion than as
a draft bill to be adopted at once.
Grt. are copy-typed along with
my alterations & additions.

3/6/10
Copy
3/6/10

Serial
No.

The one based on the Ceylon ordinance should be ~~also~~ also kept separate.

If with the Dewan's permission, the matter is placed before the Council (Exe), we may ^{consider} ~~decide~~ whether the measure should be proceeded with or not.

It would be useful if the other books (on the subject) referred to in the notes can be procured.

H. K. Kanyundya

29/5/00

Dewan

4/30
11/5/00

6585
5-6-10

Please circulate to the first class and bring up at a meeting.

I would confine myself to the first six sections of the Bill as regards the second part.

The statement of objects and Reasons requires to be revised and rewritten.

I Anandakrishnan
18/6/00

detached from the draft statement being revised separately

11/6/00

2445
11-6-10

Smoking cigarettes is understood

110.

Serial
No.

becoming a common habit
in our schools, the little ones
contracting the habit from
their older brethren who are
fellow students. The use
of Tobacco in any form
should be strictly prohibited
in every school and the
Masters should exercise
a strict supervision over
the boys.

Legislation is no doubt desir-
able on the lines of the Ceylon
Ordinance

11/11/10

11/11/10
12/6.

Note for meeting

4B
12/6/10

5B
12/6/10

To Council
Action
12/6/10

7945
17.9.10

3
Extract from the Proceedings of the 255th Meeting of the
Council of His Highness the Maharaja, held at
Bangalore on the 12th & 13th Sept. 1910.

1. Subject. - (Clause ii of the Schedule).

A bill to provide for the prevention of
smoking by juveniles.

OPINION OF THE COUNCIL.

28
The bill as drafted may be placed before the
Legislative Council in due course.

Sd/- J. Ananda Rao,
Deewan of Mysore.

"Extract

CS Balamudaram
Offg. Secretary to Govt.

186/117 13

Submitted to His Highness.

'Draft for approval'

I submit for approval the draft of a bill to provide for the prevention of smoking by juveniles, together with a Statement of objects and reasons.

X (2.) A suggestion to this effect was made in the Representative Assembly of 1907, but the Government then considered it sufficient to issue suitable instructions in the matter to the Heads of Schools and Colleges. A Circular was accordingly issued by the Inspector General of Education.

y V (3.) The occasion for taking up this subject now is the submission by the Inspector General of Education of a copy of a letter addressed to him by Pandit Rama Sharan Raturi Sharma of Tehri, Garhwal State, United Provinces, sending a copy of the "Twelfth Report on Temperance" for His Highness' perusal and praying that measures may be adopted against the use of intoxicants in the State, at least against smoking among students.

G (4.) The draft bill ~~has~~ been prepared on the lines of the Ceylon Ordinance No.21 of 1909 relating

E.

to the prevention of smoking by juveniles and the
Council is of opinion that it may be placed before
the Legislative Council in due course. This may be
approved.

he.

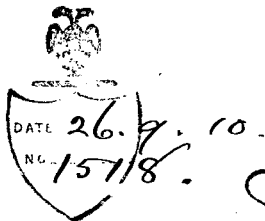
Adm. Secy
26 Sep 10

15

Record of Cases submitted for the Orders
of His Highness the Maharaja.

Subject.

Draft of a Bill to provide for the
prevention of smoking by Juveniles.



221

Order.

ES - Approved

KRUP

28/9/10

Secy

26/9/10

26/9/10

Br. 11

26/9/10

26/9/10

30/9/10

30/9/10

26/9/10. Mr. Resident.

Springer

11/10/10.

Serial
No.

569

8271

7.10.10

97 sent with a draft S.O. to the Resident
for approval.

202 SH
5/10/10 SPW

28. The draft may be
approved

H. V. Kanyindaga

5/10/10

2/3
7/10/10

24/10/10 letter to the Resident has been issued
and the draft is placed on file.

C.S.
28/10/10

29/10/10
S.H.
4/11/10

S.O. No 1480/S.O. dated 27/10/10

20 to the F.A. Resident.

Forwarding copy of the bill with
a statement of objects and reasons
and informing that the bill will be
placed before the Mysore Legis.
Council.

No 1739 dated 15/11/10

From the F.A. Resident

States that the Resident sees no

Subd to 2nd S.O.
in the first S.O.
5/11/10 S.H.

NOTIFICATION.

No. 2—L. C. Enc. 2, dated 1st July 1911.

Under Rule 40 of the Rules for the conduct of Business of the Mysore Legislative Council, the accompanying report of the Select Committee on the Bill to provide for the Prevention of Smoking by Juveniles in Mysore is published for general information with the Bill as amended by the Committee.

By Order,
S. HIRIYANNAIYA,
Secretary, Mysore-Legislative Council.

Report of the Select Committee on the Bill to provide for the prevention of Smoking by Juveniles.

We, the members of the above Committee, have the honor to submit the following report on the Bill.

1. *Clause 1 (1).*—The word “Mysore” occurring in the short title of the Bill has been omitted as unnecessary.

2. *Clause 2.*—The question whether the chewing of tobacco and taking it in as snuff should also fall within the scope of the Bill was considered by us and we came to the conclusion that in order that the use of tobacco by youths may be effectively prevented, it would be better to provide for such use of it as well.

3. *Clauses 3 and 4.*—As according to the definition “tobacco” includes “cigars and cigarettes,” we have omitted these words from these clauses. The words “cigarette papers” have also been omitted, as the use of tobacco by juveniles after rolling it into cigarettes with cigarette papers is rare and the provision may cause inconvenience to adults, who will have to give written permission if on any occasion it should be necessary for them to send boys to purchase such papers for their (adults’) own use.

4. *Clauses 5 and 7.*—To make the idea in clause 5 complete, we have added the words “and at once set him free” at the end of this clause and have recast clause 7 suitably. In cases where the police find it difficult to produce persons apprehended for an offence under the Bill before a Magistrate early, and to prevent the detention of such persons in the police custody for an unnecessarily long time, provision has been made in clause 7 requiring that such persons shall be released on an undertaking in writing being given by their parent, guardian or some responsible person for their production when called for. With these alterations, clause 7 will read as follows:—

“7. If a person who has once been set free under Section 5 is again apprehended after a lapse of three months from the date of issue of any notice under the last preceding section, he may be sent in custody before the nearest Magistrate as soon as possible, unless an undertaking in writing is given by the parent or guardian or some other respectable person to produce him whenever required, in which case, he shall be forthwith released.”

5. *Clause 6.*—We have substituted the words “the Officer in charge of the said Police Station” for the words “the said Police Officer” in this clause.

6. *Clause 8.*—Under Section 64 of the Indian Penal Code, it would be competent to a Magistrate to award imprisonment in default of payment of fine imposed under this clause. The object of the Bill being mainly educative, we are of opinion that no imprisonment should be awarded under it either as a substantive punishment or in default of payment of fine. We have accordingly added a proviso to this clause.

7. We recommend that the Bill as thus amended by us be adopted by the Council.

Mysore,
12th June 1911. }

H. V. NANJUNDAYYA.
D. DEVARAJ URS.
S. NARAYANA RAO.
C. SRINIVASIENGAR.
M. C. RANGIENGAR.
SYED AMIR HASSAN.
D. VENKATARAMAIA.

A Bill to provide for the Prevention of Smoking by Juveniles.

(As amended by the Select Committee.)

V. B. --The portions in square brackets are those omitted and those in italics are those newly added by the Select Committee.]

Whereas it is expedient to provide for the prevention of smoking by youthful persons in Mysore; His Highness the Maharaja is pleased to enact as follows:—

Preamble.

Short title.

Extent and commencement.

Interpretation

Police Officer.

the Rules for the organisation and regulation of the Village Police for the time being in force.

Tobacco.

Penalty on selling tobacco to youthful persons.

offence, to a fine not exceeding twenty rupees, and in the case of a second offence, to a fine not exceeding fifty rupees, and in the case of a third and every subsequent conviction, to a fine not exceeding one hundred rupees.

Seizure of tobacco.

finds smoking, or chewing or taking in as snuff, tobacco in any street or public place.

5. The articles seized under the last preceding section together with the person from whom they were seized shall be forthwith taken to the nearest Police Station, and the Officer in charge of such Police Station shall take down the name and address of the person's parent or guardian and ascertain if he is a pupil of any public school *and at once set him free.*

6. The [said Police] Officer *in charge of the said Police Station* shall then send a notice of such seizure to the parent or guardian and to the Head Master of the School.

7. [The person who had the articles in his possession shall be set free, except in the case of a seizure after the lapse of three months from the date of the issue of any notice under the last preceding section, in which case, he may be sent in custody before the nearest Magistrate.]

If a person who has once been set free under Section 5 is again apprehended after a lapse of three months from the date of issue of any notice under the last preceding section, he may be sent in custody before the nearest Magistrate as soon as possible, unless an undertaking in writing is given by the parent or guardian or some other respectable person to produce him whenever required, in which case, he shall be forthwith released.

8. When a person under sixteen years of age is produced before a Magistrate under the last preceding section, such Magistrate may either discharge him with a warning or inflict on him a fine not exceeding one rupee or order him to receive six stripes in the way of school discipline. *Provided that no imprisonment shall be awarded in default of payment of fine.*

9. Any sentence of whipping passed under this Regulation shall be administered privately in the presence of the Magistrate.

Whipping.

General and Revenue
Secretariat.

File No.

86 of 1910-11

Serial
No.

recording the certificate about
the receipt of the sanction. The copy
a neat copy should be put up revised upto
date early.

21/9/11 SD

Submitted with a neat copy.

21/9/11 SD (11)

25/9/11 SD in yamunji

~~See~~~~Deen~~13767
20.9.11SB Balasundaram
20.9.11

10.2.30 J.S.

Submitted to His Highness.

A.

335

The draft bill for the prevention of smoking by juveniles, which was submitted with my note dated 26th September 1910 was duly placed before the Legislative Council, and with some amendments proposed by the Select Committee and some further amendments adopted in the Council, was finally passed at the last meeting of the Council on the 11th September 1911.

(2.) The bill does not require the sanction of the Government of India. I solicit His Highness' sanction for the promulgation of the bill as law.

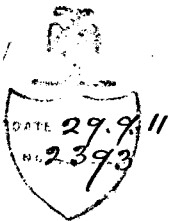
by.

J. Mandar
29 Sept 11

Record of Cases submitted for the Orders
of His Highness the Maharaja

Subject.

Promulgation of a Bill for the
prevention of smoking by juveniles as
law in Mysore.



9

236

Order.

26 Sanctioned
KRW
9/10/11

14/10/11
17/10/11
19/10/11

Decy
10/10/11
17/10/11

37. Put up draft
order
19/10/11

2

2: 1-30 11

A Bill to provide for the Prevention of Smoking by Juveniles.

As passed by the Legislative Council
(As amended by the Select Committee.)

[N. A.--The portions in square brackets are those omitted and those in italics are those newly added by the Select Committee.]

Preamble. Whereas it is expedient to provide for the prevention of smoking by youthful persons in Mysore; His Highness the Maharaja is pleased to enact as follows:—

Short title. 1. (1) This Regulation shall be called "The ~~[Mysore]~~ Prevention of Juvenile Smoking Regulation, 1911."

Extent and commencement. (2) It shall extend to the whole of Mysore; and

Interpretation... (3) It shall come into force ~~from~~ *in such area and from such day as may be notified by the Government in the official Gazette in this behalf.* 2. In this Regulation unless there is something repugnant in the subject or context:—

"Police Officer" shall mean a member of the Regular Police Force appointed under the Mysore Police Regulation, 1908, as well as

Police Officer: a member of the Village Police Force appointed under the Rules for the organisation and regulation of the Village Police for the time being in force.

"Tobacco" shall mean tobacco cut or uncut and includes any preparation or mixture of tobacco with other substances for the purpose of smoking or chewing or taking in as snuff.

3. If any person sells to a person ~~apparently~~ *actually and by appearance* under the age of sixteen years, except on the written order of the parent, guardian or employer of such last-named person, any ~~[cigars, cigarettes]~~ tobacco ~~[or cigarette papers]~~, he shall be liable, on conviction before a Magistrate, in the case of a first

Penalty on selling tobacco to youthful persons. *Conviction* offence, to a fine not exceeding twenty rupees, and in the case of a second offence, to a fine not exceeding fifty rupees, and in the case of a third and every subsequent conviction, to a fine not exceeding one hundred rupees.

4. It shall be the duty of a Police Officer to seize any ~~[cigars, cigarettes]~~ tobacco ~~[or cigarette papers]~~ in the possession of any person apparently under the age of sixteen whom he finds smoking, or chewing or taking in as snuff, tobacco in any street or public place.

5. The articles seized under the last preceding section together with the person from whom they were seized shall be forthwith taken to the nearest Police Station, and the Officer in charge of such Police Station shall take down the name and address of the person's parent or guardian and ascertain if he is a pupil of any public school *and at once set him free.*

6. The ~~[said Police]~~ Officer in charge of the said Police Station shall then send a notice of such seizure to the parent or guardian and to the Head Master of the School.

7. ~~[The person who had the articles in his possession shall be set free, except in the case of a seizure after the lapse of three months from the date of the issue of any notice under the last preceding section, in which case, he may be sent in custody before the nearest Magistrate.]~~

If a person who has once been set free under Section 5 is again apprehended after a lapse of three months from the date of issue of any notice under the last preceding section, he may be sent in custody before the nearest Magistrate as soon as possible, unless an undertaking in writing is given by the parent or guardian or some other respectable person to produce him whenever required, in which case, he shall be forthwith released.

8. When a person under sixteen years of age is produced before a Magistrate under the last preceding section, such Magistrate may either discharge him with a warning or inflict on him a fine not exceeding one rupee or order him to receive six stripes in the way of school discipline. *Provided that no imprisonment shall be awarded in default of payment of fine.*

9. Any sentence of whipping passed under this Regulation shall be administered privately in the presence of the Magistrate.

Whipping.

NOTIFICATION.

No. 2 L. C. Enc. 2, dated 1st July 1911.

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By Order,
S. HIRYANNAIYA,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Bill to provide for the prevention of Smoking by Juveniles.

We, the members of the above Committee, have the honor to submit the following report on the Bill.

1. *Clause 1 (1).*—The word “Mysore” occurring in the short title of the Bill has been omitted as unnecessary.

2. *Clause 2.* The question whether the chewing of tobacco and taking it in as snuff should also fall within the scope of the Bill was considered by us and we came to the conclusion that in order that the use of tobacco by youths may be effectively prevented, it would be better to provide for such use of it as well.

3. *Clauses 3 and 4.*—As according to the definition “tobacco” includes “cigars and cigarettes,” we have omitted these words from these clauses. The words “cigarette papers” have also been omitted, as the use of tobacco by juveniles after rolling it into cigarettes with cigarette papers is rare and the provision may cause inconvenience to adults, who will have to give written permission if on any occasion it should be necessary for them to send boys to purchase such papers for their (adults’) own use.

4. *Clauses 5 and 7.*—To make the idea in clause 5 complete, we have added the words “and at once set him free” at the end of this clause and have recast clause 7 suitably. In cases where the police find it difficult to produce persons apprehended for an offence under the Bill before a Magistrate early, and to prevent the detention of such persons in the police custody for an unnecessarily long time, provision has been made in clause 7 requiring that such persons shall be released on an undertaking in writing being given by their parent, guardian or some responsible person for their production when called for. With these alterations, clause 7 will read as follows:

“7. If a person who has once been set free under Section 5 is again apprehended after a lapse of three months from the date of issue of any notice under the last preceding section, he may be sent in custody before the nearest Magistrate as soon as possible, unless an undertaking in writing is given by the parent or guardian or some other respectable person to produce him whenever required, in which case, he shall be forthwith released.”

5. *Clause 6.* We have substituted the words “the Officer in charge of the said Police Station” for the words “the said Police Officer” in this clause.

6. *Clause 8.* Under Section 64 of the Indian Penal Code, it would be competent to a Magistrate to award imprisonment in default of payment of fine imposed under this clause. The object of the Bill being mainly educative, we are of opinion that no imprisonment should be awarded under it either as a substantive punishment or in default of payment of fine. We have accordingly added a proviso to this clause.

7. We recommend that the Bill as thus amended by us be adopted by the Council.

Mysore,
12th June 1911. }

H. V. NANJUNDAYYA.
D. DEVARAJ URS.
S. NARAYANA RAO.
C. SRINIVASIENGAR.
M. C. RANGIENGAR.
SYED AMIR HASSAN.
D. VENKATARAMAIA.

Serial
No.

3rd Submitted with a draft ^{Order} ~~Notification~~ to
the compiler Mysore Gazette.

ck (58) S/W
19/10/11 19-10-11

Issued today
S. S. Srinivas
20/10/11

Mysore Gazette of 26/10/11
Part III Page 420

No. 1230 dated 20/10/11
Submitted to the Compiler Mysore Gazette
Orders the publication of the Bill
which received the assent of H. H.
the Maharaja on the 9th day of October 1911
as Regulation XI of 1911.
Submitted

1. Spare copies of the Regn. have been
and compared with the original
received; ~~There have to be~~ 10 copies to
the Residency as usual may be sent.
A draft is herewith put up. Further
action to define the area in which the
Regn. should be applied under sec. 1 B
has to be taken.

ck (58) S/W
31/10/11 31/10/11

41. Issued
S. S. Srinivas

Yes in this
Section

When to write
9/11/11

Action taken
re: 1. B. Srinivas
18. 1 month's copy of the Regulation

D. 6051

Legis 3087909-10
serial 1

Edn. 81]

OFFICE OF INSPECTOR-GENERAL OF EDUCATION IN MYSORE,

Letter

No. 8540
623

date Bangalore, 25th February 1910.

From

J. Weir,

H. J. BHABHA, ESQ., M.A.,

Inspector-General of Education in Mysore.

To

C. S. Balasundaram Iyer Esq., B.A.,

Offg. Secretary to the Government of H. H.,

the Maharaja of Mysore,

General & Revenue Dept.,

Bangalore-

SIR,

I have the honour to forward herewith

a copy of letter no 159 dated 13th February 1910 from

Mrs Ramsharan Raturi Sharma of Tehri, Garhwal

State, United Provinces, submitting for His Highness

perusal "The 12th Annual Report on temperance

2. A copy of Circular no 15 of 1908 issued
by this Department on the subject of smoking
also enclosed herein."

I have the honour to be,

Sir,

Your most obedient servant,

J. Weir

Inspector General

To

The Director

Public Instruction

Muzore (1)

Deccan.

In most humbly submitting the 12th Report on Temperance for His Highness' kind persusal, I beg to draw your attention to the various laws and regulations passed by the British Government and Native States of India on the subject of Temperance and referred to from page 6 to 13 of the Report, and I beg to take the liberty of requesting H. H. to favour this office with copies of similar orders, if any, that the Darbar may have passed in the State. If the gracious attention of the Darbar may have not yet been directed towards this most urgent and important reform, I most earnestly pray that you will be pleased to immediately devise suitable and efficient measures against the use of intoxicants (at least against that of smoking among the students) in the State in the interest of the welfare of your subjects, in the cause of your religion and to serve as a model for the Government and Native States of India and other Governments, all over the world.

Most humbly requesting that I may be informed of any action that the Darbar might

to take upon this petition -

I beg to remain ~~de~~

(Signed) Ramsharan Raturi Sharma

Dehra Garhwal State. U. S.

13-2-40.

"Copy"

Wm

Inspector General -

W.

~~Enclosure~~ Enclosure (2)

OFFICE OF THE INSPECTOR-GENERAL

OF EDUCATION IN MYSORE,

Bangalore, 22nd November 1908.

To

All Inspecting Officers and Head-Masters of Schools.

Circular No. 15 of 1908:

It having come to the knowledge of the Inspector-General that Mahomedan boys under the age of 18, indulge in the pernicious habit of smoking cigarettes, all Inspecting officers and teachers are requested to treat smoking whether in or out of school as misconduct and punish the offender suitably after giving a warning if it is not heeded. Inspectors and teachers should take every opportunity to impress on the minds of growing boys that smoking produces great harm to their nervous system, lessens their fitness for mental work, and retards both their physical and moral development.

H. J. BHABHA,
Inspector-General.

it is a view ^{no necessary} to steps being
taken to correct the boy in
~~the first instance~~ ~~the first instance~~ ~~privately~~
~~for bringing it to the before~~
~~directing him to the regular~~

in at home or at school
the first instance, and also
involves for suitable pun-
ishment being inflicted on
him if he is found to
repeat the offence after a
space of 3 months. If

~~I am to state that if~~
~~the Smith the President sees~~
~~the objection, the bill will~~
~~be placed before the legis-~~
~~lative Council at the next~~
~~meeting in due course.~~

this proposed to place

Yours
Gewan

27/11/1900

To The Honorable
Mr. J. A. Reservoir in Mysore
at Mysore D. S. C. I. C. I. E.
to to

H. J.

Draft approved by
Council

Dr. J. K. J. J.
2nd Feb 1908

A Bill to provide for the prevention of smoking by juveniles.

-----00-----

Whereas it is expedient to pro-

Preamble

vide for the prevention of smoking by youthful persons in Mysore; His Highness the Maharaja is pleased to enact as follows:-

Short title,
extent and commencement

I. (1) This Regulation shall be called "The Mysore prevention of juvenile smoking Regulation".

(2) It shall extend to the whole of Mysore; and

(3) It shall come into force from

Interpretation.

2. In this Regulation unless there is ~~anything~~ something repugnant in the subject or context :-

Police Officer.

"Police Officer" shall mean a member of the regular police force appointed under the Mysore Police Regulation, 1908, as well as a member of the Village Police Force appointed under the Rules for the organization and

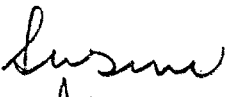
and regulation of the Village Police
for the time being in force.

Tobacco.

"Tobacco" shall mean tobacco cut or
uncut and includes any preparation or
mixture of tobacco with other substan-
ces for the purpose of smoking or
chewing or taking in as snuff.

Penalty on selling
tobacco to youthful
persons.

3. If any person sells to a person
apparently under the age of sixteen
years, except on the written order of
the parent, guardian, or employer of
such last named person, any cigar,
cigarettes, tobacco or cigarette
papers, he shall be liable on convic-
tion before a Magistrate, in the case
of a first offence, to a fine not
exceeding twenty Rupees, and in the
case of a second offence, to a fine
not exceeding fifty Rupees, and in the
the case of a third and every
subsequent conviction, to a fine not
exceeding one hundred Rupees.


Forfeiture of tobacco

4. It shall be the duty of a Police
Officer to seize any cigar.

3. 86 11 9
cigarettes, tobacco or cigarette

papers, in the possession of any person apparently under the age of sixteen whom he finds smoking or chewing tobacco in any street or public place

(or taking in as snuff?)

5. The articles seized under the last preceding section together with the person from whom they were seized shall be forthwith taken to the nearest Police Station, and the Officer in charge of such Police Station shall take down the name and address of the person's parent or guardian, and ascertain if he is ^apupil of any public school.

Articles seized
Tobacco seized has
been dealt with.

6. The said Police Officer shall then send a notice of such seizure to the parent or guardian and to the Head Master of the School.

Notice to be given
after seizure

7. The person who had the articles in his possession shall be set free, ~~except~~ ^{unless} in the case of a seizure after the lapse of three months from the

Person found with tobacco
has dealt with
for possession of tobacco
seized by police
in the case of a seizure after
the lapse of three months

15-2-44
date of the issue of any notice under
the last preceding section, in which
case, he may be sent in custody before
the nearest Magistrate.

8. When a person under sixteen
years of age is produced before a
Magistrate under the last preceding
section, such Magistrate may either
discharge him with a warning, or
inflict on him a fine not exceeding
one rupee or order him to receive ~~six~~ ^{six} stripes in the way of school discipline.

9. Any sentence of whipping passed
under this Regulation shall be
administered privately in the presence
of the Magistrate.

9 C A Bill to provide for the prevention
of smoking by juveniles.

Statement of Objects and Reasons.

A representation having been made
in the Representative Assembly of ¹⁹²⁷ 1909 on
the desirability of passing a Law to pre-
vent the growing evil of juvenile smoking
in the State, the Government considered it
sufficient ^{Then} ~~to them~~ to direct the Inspector
General of Education to issue suitable in-
structions to ^{the} Heads of Schools and Col-
leges that ~~smoking~~ by the boys whether
in or out of school ^{Should be viewed as a} ~~was~~ a misconduct ~~des-~~
~~erving~~ deserving of punishment.

The Government are inclined to
think that this measure does not adequately
meet the evil and they consider that
some action should ^{also} be taken against the
persons who sell tobacco to young ~~men~~ ^{boys}.
With this object ~~in view~~ and short bill
has been drawn up on the lines of the
Ceylon Ordinance of 1909.

The Bill makes it penal for any
person to sell tobacco in any form to
young

2. *he*

Clauses 3 & 4.

young men apparently under the age of 16 years and empowers ~~the~~ Police Officers to seize tobacco found in ^{the} possession of such young men. ^(Clause 3 & 4) The fact of seizure is to be ~~intimated~~ intimated by the Police to the parent or guardian of the boy or to the Head Master of the School of which he is a pupil.

The boy shall not be liable to punishment for a first offence but if he repeats ^{it} after a lapse of three months, he may be sent in custody to the nearest Magistrate, who might either discharge him with a warning or inflict a fine not exceeding one rupee or order him to receive 6 ~~lashes~~ stripes by way of school discipline.

SA
CSB
17/10/10

NOTIFICATION.

No. 202—L. C., dated 28th November 1910.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council, the following Bill is published for general information together with a statement of Objects and Reasons.

By Order,
S. HIRIYANNAIYA,
Secy., Mysore Legislative Council.

A Bill to provide for the prevention of smoking by juveniles.

- Whereas it is expedient to provide for the prevention of smoking by youthful persons in Mysore; His Highness the Maharaja is pleased to enact as follows:—
- Preamble.
- Short title. 1. (1) This Regulation shall be called "The Mysore Prevention of Juvenile Smoking Regulation."
- Extent and commencement. (2) It shall extend to the whole of Mysore; and (3) It shall come into force from
- Interpretation. 2. In this Regulation unless there is something repugnant in the subject or context:—
- "Police Officer" shall mean a member of the Regular Police Force appointed under the Mysore Police Regulation, 1908, as well as a member of the Village Police Force appointed under the Rules for the organisation and regulation of the Village Police for the time being in force.
- Police Officer.
- "Tobacco" shall mean tobacco cut or uncut and includes any preparation or mixture of tobacco with other substances for the purpose of smoking or chewing or taking in as snuff.
- Tobacco.
3. If any person sells to a person apparently under the age of sixteen years, except on the written order of the parent, guardian or employer of such last-named person, any cigars, cigarettes, tobacco or cigarette papers, he shall be liable, on conviction before a Magistrate, in the case of a first offence, to a fine not exceeding twenty rupees, and in the case of a second offence, to a fine not exceeding fifty rupees, and in the case of a third and every subsequent conviction, to a fine not exceeding one hundred rupees.
- Penalty on selling tobacco to youthful persons.
4. It shall be the duty of a Police Officer to seize any cigars, cigarettes, tobacco or cigarette papers, in the possession of any person apparently under the age of sixteen whom he finds smoking, or chewing or taking in as snuff, tobacco in any street or public place.
- Seizure of tobacco.
5. The articles seized under the last preceding section together with the person from whom they were seized shall be forthwith taken to the nearest Police Station, and the Officer in charge of such Police Station shall take down the name and address of the person's parent or guardian and ascertain if he is a pupil of any public school.
- Tobacco seized how dealt with.
6. The said Police Officer shall then send a notice of such seizure to the parent or guardian and to the Head Master of the School.
- Notice to be given after seizure.
7. The person who had the articles in his possession shall be set free, except in the case of a seizure after the lapse of three months from the date of the issue of any notice under the last preceding section, in which case, he may be sent in custody before the nearest Magistrate.
- Person found with tobacco how dealt with.

8. When a person under sixteen years of age is produced before a Magistrate under the last preceding section, such Magistrate may either discharge him with a warning or inflict on him a fine not exceeding one rupee or order him to receive six stripes in the way of school discipline.

9. Any sentence of whipping passed under this Regulation shall be administered privately in the presence of the Magistrate.

STATEMENT OF OBJECTS AND REASONS.

A representation having been made in the Representative Assembly of 1907 on the desirability of passing a law to prevent the growing evil of juvenile smoking in the State, the Government considered it sufficient then to direct the Inspector-General of Education to issue suitable instructions to the Heads of Schools and Colleges that smoking by the boys whether in or out of school should be viewed as a misconduct deserving of punishment.

The Government are inclined to think that this measure does not adequately meet the evil and they consider that some action should also be taken against the persons who sell tobacco to young boys. With this object a short Bill has been drawn up on the lines of the Ceylon Ordinance of 1909.

The Bill makes it penal for any person to sell tobacco in any form to young men apparently under the age of 16 years and empowers Police Officers to seize tobacco found in the possession of such young men (clauses 3 and 4). The fact of seizure is to be intimated by the Police to the parent or guardian of the boy or to the Head Master of the School of which he is a pupil.

The boy shall not be liable to punishment for a first offence, but if he repeats it after a lapse of three months he may be sent in custody to the nearest Magistrate who might either discharge him with a warning or inflict a fine not exceeding one rupee or order him to receive six stripes by way of school discipline.

№ 69/13.

D. O. No. 7r 173



~~B~~BANGALORE.

November 1910.

Regis

Serial 2.

70

the Sec^y

Hen Si

Руб.
ли

16.11.10

I am desirous to acknowledge with thanks the

receipt of your demi-official letter No. 1486, dated

the 27th October 1910, forwarding a draft of a Bill to

provide for the prevention of smoking by juveniles in

the Mysore State, and in reply, to state that the

Resident sees no prima facie objection to the Bill

being placed before the Legislative Council.

~~Yours Sincerely~~
~~PRBhawar~~

T. Ananda Row, Esq., C.I.E.,

Dewan of Mysore.

20/10

Legis File No. 360/1954
 Serial No. 6

Diary No. of letter replied to:-

GENERAL AND REVENUE
 SECRETARIAT.

(Legis.)

Proceedings of the Government of His Highness
 the Maharaja of Mysore.

2/10

SECRET

, the

19

Date of issue. 20-10-54

Signed by an S. Hingayana

ORDER THEREON.—No.

J. 1230

dtd 16.10.54
Execd 10.10.54
S.H.

bule. K. H. J. 1230

Ordered that the Bill

to provide for the prevention
 of smoking by juveniles which
 received the assent of His
 Highness the Maharaja on the

over

SUBJECT.

Twelfth day of
October 1911 the first issue
of the information as
Regulation XL of 1911

~~SN(11)~~ ~~1910~~ ~~to the Secretary to Govt~~

The complete Regs are together
with a copy to the Regs for
publication in Part III of the
Regulation, given as the Indian
Regulation for supply
this year with 240 copies of the
Regulation, 1200 copies
of the Regs being then to
print in Book form; 500
be in a form for Volume II,
and 500 for distribution and
sale purposes. The
translation will follow. The
should be for approval
before publication.

Copy to the Translation
Section with a copy of the
Reg. for approval.

Approved
The Secretary

24/10/11

G.R.S: 26]

Jul 3rd

at

File No.

Serial No.

Diary No. of letter replied to

General and Revenue Secretariat

()
the 19

Date of issue

7-4-11

Signed by

M. K. Balasubramanian

Due
10

Letter Pol. No. 402 dated 11th Nov 1911 from the Secretary to the General & Revenue Department

To

The F. A. Resident in

Mysore, Bangalore

Sir

I am directed to forward herewith a copy of Regn. No. XT of 1911, a Regulation to provide for the prevention of smoking by juveniles, with 9 spare copies and to request that a copy may, as usual, be sent to His Highness the Nizam's Govt.

I have &c

SD

over

SUBJECT.

for the Secretary to the Nizam's Govt.

copy sent to Nizam's Govt.

REGULATION No. XI OF 1911.

(Received the assent of His Highness the Maharaja
on the 9th day of October 1911.)

**A Regulation to provide for the Prevention
of Smoking by Juveniles.**

Whereas it is expedient to provide for the prevention of smoking by youthful persons in Mysore ; His Highness the Maharaja is pleased to enact as follows :—

Preamble.

1. (1) This Regulation shall be called “The Prevention of Juvenile Smoking Regulation, 1911.”

Short title.

(2) It shall extend to the whole of Mysore ; and

Extent and
commence-
ment.

(3) It shall come into force in such areas and from such date as may be notified by the Government in the official gazette in this behalf.

2. In this Regulation unless there is something repugnant in the subject or context—

Interpreta-
tion.

“Police Officer” shall mean a member of the Regular Police Force appointed under the Mysore Police Regulation, 1908, as well as a member of the Village Police Force appointed under the Rules for the organisation and regulation of the Village Police for the time being in force.

“Police
Officer.”

“Tobacco” shall mean tobacco cut or uncut and includes any preparation or mixture of tobacco with other substances for the purpose of smoking or chewing or taking in as snuff.

“Tobacco.”

3. If any person sells to a person actually and by appearance under the age of sixteen years, except on the written order of the parent, guardian or employer of such last-named person, any tobacco, he shall be liable, on conviction before a Magistrate, in the case of a first conviction, to a fine not exceeding twenty rupees, and in the case of a second conviction to a fine not exceeding fifty rupees, and in the case of a third and every subsequent conviction, to a fine not exceeding one hundred rupees.

Penalty on
selling
tobacco to
youthful
persons.

4. It shall be the duty of a Police Officer to seize any tobacco in the possession of any person apparently under the age of sixteen whom he finds smoking, or chewing or taking in as snuff, tobacco in any street or public place.

Seizure of
tobacco.

5. The articles seized under the last preceding section together with the person from whom they were seized shall be forthwith taken to the nearest Police Station, and the Officer in charge of such Police Station shall take down the name and address of the person's parent or guardian and ascertain if he is a pupil of any public school and at once set him free.

Tobacco
seized how
dealt with.

6. The Officer in charge of the said Police Station shall then send a notice of such seizure to the parent or guardian and to the Head Master of the School.

Notice to be
given after
seizure.

7. If a person who has once been set free under Section 5 is again apprehended after a lapse of three months from the date of issue of any notice under the last preceding section, he may be sent in custody before the nearest Magistrate as soon as possible, unless an undertaking in writing is given by the parent or guardian or some other respectable person to produce him whenever required, in which case, he shall be forthwith released.

Person found
with tobacco
how dealt
with.

8. When a person under sixteen years of age is produced before a Magistrate under the last preceding section, such Magistrate may either discharge him with a warning or inflict on him a fine not exceeding one rupee or order him to receive six stripes in the way of school discipline. Provided that no imprisonment shall be awarded in default of payment of fine.

Punishment.

9. Any sentence of whipping passed under this Regulation shall be administered privately in the presence of the Magistrate.

Whipping.

T. ANANDA ROW,
Dewan.